

Message

From: Leifer, Kerry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=35839936F4A84DFEBC101D1E69F90BEF-KERRY B. LEIFER]
Sent: 2/25/2021 9:41:25 PM
To: Lara, Rhina [Lara.Rhina@epa.gov]
CC: Koch, Erin [Koch.Erin@epa.gov]; Sadowsky, Don [Sadowsky.Don@epa.gov]; Ozmen, Shamus [Ozmen.Shamus@epa.gov]; Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Schwarz, Stephanie [Schwarz.Stephanie@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]
Subject: Re: REVIEW: E&E News Press Inquiry, DDL 5 PM

I'm fine with that

Kerry Leifer, Chief
Chemistry, Inerts and Toxicology
Assessment Branch
Registration Division (7505P)
Office of Pesticide Programs
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington, DC 20460
(703) 308-8811
leifer.kerry@epa.gov

On Feb 25, 2021, at 4:17 PM, Lara, Rhina <Lara.Rhina@epa.gov> wrote:

Hi,

OPA made some edits to the answers re: Inert Finder and I wanted to run them by you before continuing. Please let me know if the re-write is still accurate.

5. *Regarding EPA's Inert Finder, are companies meant to use that as a baseline for what inert ingredients are permitted? Are there any PFAS listed in the finder? If so, how has EPA been able to rule them out as a potential source of the contamination?*

Ex. 5 - Deliberative Process

Best,
Rhina M. Lara (*she/her/hers*)
Communications Branch
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Phone: (202) 815- 5722

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Wednesday, February 24, 2021 7:50 AM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Sorry I didn't get back to you last night. I would advise, to be safe, removing the highlighted sentences and using your alternative "EPA is exploring..."

Erin

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, February 23, 2021 4:46 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Ex. 5 Deliberative Process (DP)

Best,
Rhina M. Lara (*she/her/hers*)
Communications Branch

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Tuesday, February 23, 2021 4:04 PM
To: Sadowsky, Don <Sadowsky.Don@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Ex. 5 Attorney Client (AC)

From: Sadowsky, Don <Sadowsky.Don@epa.gov>
Sent: Tuesday, February 23, 2021 4:00 PM
To: Leifer, Kerry <Leifer.Kerry@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Subject: Re: REVIEW: E&E News Press Inquiry, DDL 5 PM

Ex. 5 Attorney Client (AC)

Donald A. Sadowsky
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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
(202) 564-5638

From: Leifer, Kerry <Leifer.Kerry@epa.gov>
Sent: Tuesday, February 23, 2021 3:58 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Ex. 5 Deliberative Process (DP)

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e-mail: leifer.kerry@epa.gov

From: Koch, Erin
Sent: Tuesday, February 23, 2021 3:50 PM
To: Sadowsky, Don <Sadowsky.Don@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
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To: Koch, Erin <Koch.Erin@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
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Donald A. Sadowsky
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From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Tuesday, February 23, 2021 3:25 PM
To: Sadowsky, Don <Sadowsky.Don@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Ex. 5 Attorney Client (AC)

From: Koch, Erin
Sent: Tuesday, February 23, 2021 3:23 PM
To: Sadowsky, Don <Sadowsky.Don@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Ex. 5 Attorney Client (AC)

From: Sadowsky, Don <Sadowsky.Don@epa.gov>
Sent: Tuesday, February 23, 2021 3:18 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: Re: REVIEW: E&E News Press Inquiry, DDL 5 PM

Lara, I looked at the language again, and decided that my earlier edits could be made yet a bit clearer. See new language in green.

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From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, February 23, 2021 3:14 PM
To: Sadowsky, Don <Sadowsky.Don@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Thank you, Don! That's really helpful.

Best,
Rhina M. Lara (*she/her/hers*)
Communications Branch
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Phone: (202) 815- 5722

From: Sadowsky, Don <Sadowsky.Don@epa.gov>
Sent: Tuesday, February 23, 2021 3:08 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>;
Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: Re: REVIEW: E&E News Press Inquiry, DDL 5 PM

Edits to answer #6 below.

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From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, February 23, 2021 2:49 PM
To: Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>;
Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Hi Erin,

E&E news got back to us with three more questions. I just wanted to run them by you quickly for review!

5. *Is EPA working with any trade groups or organizations on this issue to communicate with pesticide manufacturers? Are there any plans to do widespread testing of other pesticides that are transported in the barrels?*

Yes, EPA has been in close communication with trade associations. In order to expand testing and understand the health and environmental risk implications of this issue, EPA is working with industry and trade organizations to conduct parallel testing to uncover possible contamination issues and engage in responsible product stewardship.

6. *Regarding EPA's Inert Finder, are companies meant to use that as a baseline for what inert ingredients are permitted?*

The InertFinder is a tool for helping stakeholders determine which inert ingredients are approved (or not approved) for use in pesticide products. However, inclusion of an inert ingredient on the approved list does not constitute approval for use in any particular pesticide product. Each pesticide product submitted for registration is evaluated considering all the ingredients in the product, including both active and inert ingredients. In addition, tolerances or tolerance exemptions are required for all

ingredients, including inert ingredients, present from use of pesticides on food and feed. Those tolerances and exemptions can be found in the Code of Federal Regulations ~~remains the official source for regulatory information related to the use of inert ingredients in pesticide products used on food.~~ In the case of nonfood use inert ingredients, the Office of Pesticide Programs maintains a database of nonfood use limitations and approvals.

7. Are there any PFAS listed in the finder? If so, how has EPA been able to rule them out as a potential source of the contamination?

Inert Finder may contain legacy chemicals not currently approved for use in pesticide products. The most up-to-date tolerances and tolerance exemptions are found in the electronic CFR. Occasionally, EPA receives inquiries about specific chemicals listed in the Inert Finder and follows up on those inquiries as received. With respect to recent detections of PFAS in specific pesticide containers, EPA has confirmed that none of the approved active or inert ingredients in the registered product are PFAS.

Best,
Rhina M. Lara (*she/her/hers*)
Communications Branch
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Phone: (202) 815- 5722

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Monday, February 22, 2021 4:06 PM
To: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Nothing further from me.

From: Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Sent: Monday, February 22, 2021 3:47 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

See thoughts in blue below. Thanks for the second look.

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Monday, February 22, 2021 3:39 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Hi Kimberly and Erin,

Just sharing modified answers after Shamus' review (mostly wording edits and adding that link to FDA at the end). Let me know if we are still good to go with these.

1. ***Who manufactures the barrels in question?***

EPA is investigating (should this be past-tense? Asking because we're still investigating containers, but the ones the lab is looking at now are off of the open market. OECA/OPPT are investigating, but they're looking at the process, I think, not the containers themselves) the high-density polyethylene (HDPE) containers fluorinated by Inhance Technologies which are used to store and transport pesticides.

2. ***What can you tell us about the levels of PFAS EPA found in the barrels?***

In the coming weeks, EPA is planning to release data providing insight into PFAS compounds and levels found in the identified product and present in/on fluorinated containers.

3. ***Is this issue limited to pesticides used in Southeastern Massachusetts, or is EPA worried about other products or other geographies where this may be the case?***

At this point, EPA does not believe the issue is specific to any geographic area. EPA is using its authorities under FIFRA and TSCA to obtain more information about the potential scope of this contamination and to evaluate whether other regulated products may be affected.

4. ***What can you tell us about what other products might be contained in these barrels?***

- ***Based on EPA's coordination with USDA and FDA, can you tell us if there are any food products you are concerned about and which ones?***

EPA understands that roughly 20-30% of all rigid agriculture chemical packaging in North America is fluorinated HDPE. Fluorinated polyethylene and HDPE are used for numerous applications such as food packaging and containers for chemical storage, including pesticides. EPA is conducting additional testing to understand the extent and significance of the potential for PFAS contamination (Note: we are testing additional containers and solvents at Ft Meade, not products or any environmental samples at this point. "...testing to understand the extentofcontamination" sounds too strong if we aren't actually looking at pesticide products or environmental samples. Unless another part of EPA is doing this? Or, you could replace "conducting additional testing" with "investigating") and continues to be in close communication with the Food and Drug Administration (FDA) and the United States Department of Agriculture (USDA).

For information on food and PFAS, contact FDA.

Best,

Rhina M. Lara (*she/her/hers*)

Communications Branch

Office of Chemical Safety and Pollution Prevention

U.S. Environmental Protection Agency

Phone: (202) 815- 5722

From: Koch, Erin <Koch.Erin@epa.gov>

Sent: Monday, February 22, 2021 2:44 PM

To: Lara, Rhina <Lara.Rhina@epa.gov>

Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>;

Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>

Subject: RE: REVIEW: E&E News Press Inquiry, DDL 4 PM

Rhina,

I don't have any comments on your proposed answers. They look pretty high level and as far as I know accurate. I'm cc'ing some of my colleagues for their awareness.

Erin

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Monday, February 22, 2021 12:58 PM
To: Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>
Subject: REVIEW: E&E News Press Inquiry, DDL 4 PM

Hi Erin,

I hope you had a great weekend! We got a press inquiry from E&E News regarding the PFAS in pesticide packaging issue. Sorry for the quick turnaround, but we have to get an answer to the reporters by Wednesday. Could you please look over the following answers by **4 PM today**? The answers come from our internal Qs&As, so not a lot of new language.

1. ***Who manufactures the barrels in question?***
The fluorinated high-density polyethylene (HDPE) containers used by Clarke Mosquito to store and transport the affected pesticide are fluorinated by Inhance Technologies.
2. ***What can you tell us about the levels of PFAS EPA found in the barrels?***
In the coming weeks, EPA is planning to release data providing insight into PFAS compounds and levels found in the identified product and present in/on fluorinated containers.
3. ***Is this issue limited to pesticides used in Southeastern Massachusetts, or is EPA worried about other products or other geographies where this may be the case?***
At this point, EPA does not believe the issue is specific to any geographic area. Fluorinated polyethylene and HDPE are used for numerous applications such as food packaging and containers for chemical storage, including pesticides. EPA is using its authorities under FIFRA and TSCA to obtain more information about the potential scope of this contamination and to evaluate whether other regulated products may be affected.
4. ***What can you tell us about what other products might be contained in these barrels?***
 - o ***Based on EPA's coordination with USDA and FDA, can you tell us if there are any food products you are concerned about and which ones?***
EPA understands that roughly 20-30% of all rigid agriculture chemical packaging in North America is fluorinated HDPE. EPA is conducting additional testing to understand the extent and significance of the PFAS contamination and continues to be in close communication with the Food and Drug Administration (FDA) and the United States Department of Agriculture (USDA).

Best,
Rhina M. Lara (*she/her/hers*)
Communications Branch

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<image002.png>

National Pesticide Safety Education Month
Pesticide Safety Education Programs